

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

VANESSA HUTCHENSON et al.

PLAINTIFFS

v.

CASE NO. 4:03cv260

AMERICAN HOME PRODUCTS, et al

DEFENDANT

ORDER

This cause comes before the Court on the renewed motion to dismiss [78-1] filed by Defendant Eli Lilly Corporation (“Eli Lilly”). The plaintiffs have not responded to this motion. The complaint, filed by a group of parents allegedly injured by complications from their children’s vaccinations, alleges claims for (1) medical bills and associated expenses, (2) lost wages, and (3) other economic losses. Eli Lilly argues that damages for lost wages are not allowable under Mississippi law in a tort case such as this one. Tribble v. Gregory, 288 So.2d 13, 17 (Miss. 1974). Eli Lilly further argues that the plaintiffs claims arising from fraud and misrepresentation should be dismissed due to the parents’ failure to adequately plead their claims as required by law. Plaintiffs confess the validity of defendants’ motion through their failure to respond.

It is therefore ORDERED that defendants’ motion to dismiss [78-1] is GRANTED, and the claims against Defendant Eli Lilly are DISMISSED. It is further ORDERED that the claims against Defendant American International Chemical, Inc., which has joined in Eli Lilly’s motion, are also dismissed.

This is the 21st day of June, 2006.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE